

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

YUHANNA ABDULLAH SHERRIFF,

Plaintiff,

v.

UNITED STATES,

Defendant.

§  
§  
§  
§  
§  
§  
§  
§  
§

CIVIL ACTION NO. 5:18-CV-00129-RWS

**ORDER**

Yuhanna Abdullah Sherriff, proceeding *pro se*, filed a motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255 (Docket No. 1). The Court referred this matter to Magistrate Judge Craven for consideration pursuant to 28 U.S.C. § 636 and applicable orders of the Court.

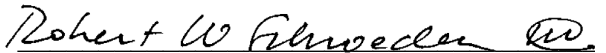
Sherriff moved to dismiss the matter. Docket No. 19. Magistrate Judge Craven recommended that Sherriff's motion be granted and this matter be dismissed pursuant to Federal Rule of Civil Procedure 41(a). Docket No. 20 ("Report and Recommendation").

On May 13, 2020, a copy of the Report and Recommendation was sent to movant at the address he provided to the Court. Movant has not acknowledged receipt of the Report and Recommendation. Nor has the Report and Recommendation been returned as undeliverable. The parties had 14 days to file objections to the Report and Recommendation. To date no objections have been filed. As no objections have been filed, the Court reviews the Magistrate Judge's findings of fact and conclusions of law for plain error. *Rodriguez v. Bowen*, 857 F.2d 276, 276-77 (5th Cir. 1988).

The Court agrees with the Magistrate Judge's findings and conclusions. Movant should be permitted to voluntarily dismiss his motion to vacate. Finding no plain error in the proposed findings of fact and conclusions of law of the Magistrate Judge, the Court **ADOPTS** the Report and Recommendation of United States Magistrate Judge as the findings of fact and conclusions of law of this Court. It is therefore

**ORDERED** that movant's motion to dismiss (Docket No. 19) is **GRANTED** and that this motion to vacate, set aside or correct sentence is **DISMISSED** without prejudice pursuant to Federal Rule of Civil Procedure 41(a). An appropriate Final Judgment shall be entered dismissing the motion to vacate.

**So ORDERED and SIGNED this 23rd day of September, 2020.**

  
ROBERT W. SCHROEDER III  
UNITED STATES DISTRICT JUDGE